

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD POWELL,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Dist. Case No. 2:20-cv-00730-KJD-DJA
Appellate Case No. 22-15125

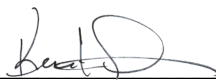
ORDER

On January 27, 2022, the Ninth Circuit Court of Appeals referred this matter to this Court for the limited purpose of determining whether in forma pauperis status should be continued for the appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous).

Here, the Court noted that Plaintiff had failed to state a colorable equal protection claim because he had not identified a similarly situated group from which he was treated differently. The Court then allowed Plaintiff to amend his complaint to do so. Instead of naming a similarly situated group from which he was treated differently, Plaintiff's amended complaint asserts that he is a class of one with a novel claim. However, he failed to name a similarly situated group that he was treated differently than as required by Village of Willowbrook v. Olech, 526 U.S. 562, 564-65 (2000). Accordingly, the Court finds that Plaintiff's appeal is frivolous and that in forma pauperis status is revoked. The Clerk of the Court shall forward a copy of this order to the Ninth Circuit Court of Appeals.

IT IS SO ORDERED.

Dated this 4th day of February, 2022.



Kent J. Dawson
United States District Judge